

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<p>LARRY FREUDENBERG Individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, and ROBERT SIMMONS,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No.: 07-cv-8538 (RWS)</p> <p>ECF CASE</p>
<p>WILLIAM BOSTON, Individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, and ROBERT SIMMONS,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 07-cv-8808 (RWS)</p> <div data-bbox="896 841 1403 1110"></div>
<p>ROBERT D. THULMAN, Individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-v-</p> <p>E*TRADE FINANCIAL CORPORATION, MITCHELL H. CAPLAN, and ROBERT SIMMONS,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 07-cv-9651 (RWS)</p>

**STIPULATION AND [PROPOSED] ORDER**

**WHEREAS**, on October, 2, 2007, plaintiff in the action captioned *Freudenberg v. E\*TRADE Financial Corporation*, Case No.: 07-cv-8538 (S.D.N.Y.) (the "Freudenberg Action"), filed with this Court a class action complaint on behalf of a class of purchasers of the securities of E\*TRADE Financial Corporation alleging violations of the Securities Exchange Act of 1934 ("Exchange Act");

**WHEREAS**, pursuant to Section 21D (a)(3)(A) of the Exchange Act, as amended by the Private Securities Litigation Reform Act of 1995 ("PSLRA"), plaintiff in the Freudenberg Action caused a notice to be published on October 2, 2007 on Business Wire that informed class members of their right to move to be appointed lead plaintiff on or before December 3, 2007;

**WHEREAS**, on December 3, 2007, State Teachers Retirement System of Ohio, pursuant to Section 21D of the PSLRA, timely filed a motion seeking consolidation of all related actions, appointment as lead plaintiff and approval of its selection of lead counsel;

**WHEREAS**, on December 3, 2007, Kristen Management Limited; Straxton Properties Inc. and Javed Fiyaz, pursuant to Section 21D of the PSLRA, timely filed a motion seeking consolidation of all related actions, appointment as lead plaintiff and approval of their selection of lead counsel;

**WHEREAS**, on December 3, 2007, Mississippi Public Employees' Retirement System, AFA Livförsäkringsaktiebolag, AFA Sjukförsäkringsaktiebolag, AFA Trygghetsförsäkringsaktiebolag and Kollektivavtalsstiftelsen TSL, pursuant to Section 21D of the PSLRA, timely filed a motion seeking consolidation of all related actions, appointment as lead plaintiff and approval of their selection of lead counsel;

**WHEREAS**, on December 3, 2007, Skandia Life Insurance Company Ltd., pursuant to Section 21D of the PSLRA, timely filed a motion seeking consolidation of all related actions, appointment as lead plaintiff and approval of its selection of lead counsel;

**WHEREAS**, on December 3, 2007, First Derivative Traders LP and Robert and Jessica Grant, pursuant to Section 21D of the PSLRA, timely filed a motion seeking consolidation of all related actions, appointment as lead plaintiff and approval of their selection of lead counsel;

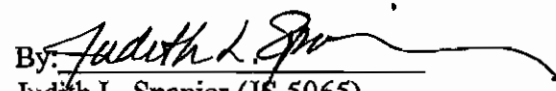
**WHEREAS**, on December 3, 2007, Ira Newman pursuant to Section 21D of the PSLRA, timely filed a motion seeking consolidation of all related actions, appointment as lead plaintiff and approval of his selection of lead counsel;

**IT IS HEREBY STIPULATED AND AGREED** by and among the undersigned attorneys as follows:


1. All papers in opposition to any movant's motion to be appointed lead plaintiff will be filed and served on or before December 20, 2007;
2. All reply papers on the lead plaintiff motions will be filed and served on or before January 7, 2008.
3. A hearing on the lead plaintiff motions and such other matters as the Court wishes to address will be held on January 23, 2008 at 12:00 noon or at such other hour as the Court may set.
4. This stipulation may be executed in counterparts.

Dated: December 14, 2007  
New York, New York

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Counsel for First Derivative Traders LP and  
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SO ORDERED

Sweet  
Hon. Robert W. Sweet  
12.19.07

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SO ORDERED

\_\_\_\_\_  
Hon. Robert W. Sweet